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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,017	09/18/2003	Yves Gagnet	MCA-579	7951

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EXAMINER

KURTZ, BENJAMIN M

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/666,017	Applicant(s) GAIGNET ET AL.	
	Examiner Benjamin Kurtz	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/6/06, 12/4/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 2 and 4-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said reverse osmosis cartridge" in page 6, line 15. There is insufficient antecedent basis for this limitation in the claim. For examination purposes "said reverse osmosis cartridge" will be treated as, "said cartridge is a reverse osmosis cartridge".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (4990248). Regarding claim 1, Brown discloses a cylindrical container (figure 1 and column 3 lines 56-57) with fluid inlet and outlet orifices at the first of one of its axial ends (column 2 lines 55-62 and figure 1). Brown also discloses a pretreatment

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means within the cylindrical container (fig 5 #72 and column 2 lines 32-33). Brown discloses the treatment means being a cartridge including one or more selectively permeable membranes (figure 2 #11 and column 4 lines 6-17). Brown also discloses a separator means dividing the container into internal and external cylindrical spaces consisting of an impermeable barrier layer that surrounds the outer surface of the membrane. The impermeable barrier layer performs the identical function in substantially the same way with substantially the same result as the cylindrical wall, cylindrical skirt and the ring disclosed in the application. The impermeable barrier layer divides the container into two distinct cylindrical spaces that extend from the bottom of the container to the top therefore preventing fluid from bypassing the outer pretreatment as well as providing a flow path for the fluid (figure 2 #15 and column 7 lines 32-42). Brown also discloses that the two cylindrical spaces communicate with one another via one or more passages at the second axial end of the container (figure 5 #74 and column 7 lines 60-65). Brown also discloses that the pretreatment means are housed in the external space and the treatment means are housed in the internal space (column 7 lines 32-34 and figure 5 pretreatment #72, treatment #70). Brown also discloses the external cylindrical space communicating with an inlet orifice at the first axial end of the container (figure 5 #54 and column 10 lines 44-49). Brown also discloses the internal cylindrical space communicating separately with two outlet orifices at the first axial end of the container (figure 5 #56 and #58 and column 10 line 65 - column 11 line 3 and column 10 lines 52-64). The cartridge is a reverse osmosis cartridge including a cylindrical enclosure (column 12 lines 48-50), a hollow (the tube (62) is hollow

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regardless of whether or not there is something within the tube), perforated, central innermost (the tube (62) is the innermost tube of the reverse osmosis cartridge) tube (62) that shares the axis of the cylindrical container (figure 5 and column 5 lines 42-49), and one or more selectively permeable reverse osmosis treatment membranes (column 5 lines 42-44 and column 4 lines 6-16). Brown also discloses that the membrane communicates with the central tube to collect the permeate (column 4 lines 20-23) and that the membrane communicates with the fluid from the pretreatment means and with the outflow of retentate at the exterior of the reverse osmosis membrane via the annular faces of the cartridge (column 4 lines 26-29).

Regarding claims 2 and 4, Brown discloses that the cartridge is a reverse osmosis filtration cartridge (column 2 lines 43-44 and column 3 lines 50-56). A means for providing a sealed connection between the separator means and the cylindrical enclosure of the reverse osmosis cartridge that is attached to and extends around the cylindrical enclosure. Brown discloses a spoked wheel with a cylindrical rim extension that is joined and sealed to the outside of the barrier layer (the outer surface of the reverse osmosis membrane). The spoked wheel performs the identical function in substantially the same way with substantially the same result as the sleeve with an extended annular seal as disclosed in the application. Both means provide a seal that prevents the inlet fluid from bypassing the pretreatment means.

Regarding claims 5 and 23, Brown discloses the pretreatment means as chosen from the group comprising activated charcoal, polyphosphates and frontal filtration elements (column 8 line 53 – column 9 line 52). The central tube (62) is closed at the

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same end where fluid enters the reverse osmosis cartridge (sealed at (79) with cap (63) fig. 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 7 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (248) in view of Regunathan et al. Patent No. 4,645,601. Regarding claim 6, Brown (248) discloses the module including a cylindrical wall (52) closed at the first axial end by a non-removable head (51) including three parallel connectors (54, 56, 58) but does not disclose a non-removable bottom (fig. 5). Regunathan (601) teaches a reverse osmosis assembly with a cylindrical pressure vessel (28) with a non-removable bottom (fig 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the pressure vessel as taught by Regunathan (601) with the module as taught by Brown (248). The design of the pressure vessel (28) avoids the piece-by-piece removal and replacement of a used reverse osmosis module (col. 1, lines 61-63).

Regarding claim 7, Brown (248) does not disclose the connectors (54, 56, 58) extend perpendicular to the axis of the container (50). Regunathan (601) teaches a head (30) with three parallel ports (50, 52, 54) with connectors that can take various forms to accommodate the construction of the particular head member with which it is to

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be associated (col. 3, lines 8-11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connectors to be perpendicular to the axis of the container to fit a head member adapted to connect to a module with perpendicular ports.

Regarding claims 18-20, Brown (248) further discloses the head (51) and the bottom (63) each include a bush (head bush at 53d, bottom bush at 79d) housing an axial end of the central tube (62), a seal (59d) is between the bush and the tube (63) housed in a groove formed in the central tube (63), and the bush communicates with the second orifice (58) (fig. 5). The bush is a nesting retainer.

Regarding claim 21, Brown (248) further discloses a central truncated cone (joined to the tube (62) at 79') inside the central tube (62) and it projects over a longer distance from the inner face of the bottom than the bush of the bottom (fig. 5).

4. Claims 8, 10-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (248) in view of Regunathan (601) as applied to claims 6-7 above and further in view of Whittier et al. Patent No. 5,078,876. Regarding claim 8, Brown (248) discloses the separator means include a cylindrical wall (71) and a skirt (53) projecting from the internal face of the head (51) (fig. 5). Brown (248) does not disclose a ring projecting from the face of the bottom. Whittier (876) teaches a water filter with a ring (28) extending from the internal face of the bottom (fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the ring as taught by Whittier (876) in the module of Brown (248). The ring (28) positions the filter medium and defines a flow path (col. 6, lines 5-8).

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Regarding claim 12, Brown (248) teaches housing the wall (71) within the skirt (53) therefore it would have been obvious to one having ordinary skill in the art to house the wall (71) within the ring (28) as taught by Whittier (876) because the skirt provides a bearing surface for the wall (71) for sealing (col. 7, lines 17-19).

Regarding claims 10-11, Brown (248) further discloses the cylindrical skirt (53) has the wall (71) housed concentrically within it with a seal (59d) in an annular recess between them (fig. 5).

Regarding claim 22, Brown (248) further discloses a porous disk (35) in the vicinity of the axial ends of the container but not retaining the pretreatment means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the disk for the pretreatment means. The porous disks function to keep the carbon granules within the filter (col. 4, lines 61-63).

5. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (248) in view of Regunathan (601) in view of Whittier (876) as applied to claim 8 above, and further in view of Burrows Patent No. 5,221,473. Regarding claim 13, Brown (248) in view of Regunathan (601) in view of Whittier (876) teaches a ring (28) of the bottom but do not teach that ring being crenellated. Burrows (473) teaches a crenellated ring of the bottom of a reverse osmosis cartridge (fig.4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the ring as taught by Burrows (473) in the module as taught by Brown (248) in view of Whittier (876). The ring allows water to pass through it to a central tube (fig. 5, col. 8, lines 24-25).

Regarding claims 14-16, Burrows (473) further discloses the ring includes locating means (160) taking the form of patterns (160) projecting from the internal face of the bottom of the container, the ring holds a cylindrical wall (142) of a separator means at a an axial distance from the face of the bottom, and the ring includes recesses between the crenellations forming axial abutments for the wall (142) (fig. 4 and 5, col. 8, lines 20-28).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (248) in view of Regunathan (601) in view of Whittier (876) as applied to claim 8 above, and further in view of Petrucci et al. Patent No. 4,948,505. Brown (248) in view of Regunathan (601) in view of Whittier (876) teach the filter module but do not teach the head being glued or welded together. Petrucci (505) teaches the top cover (134) bonded to the main housing (54) by welding (col. 9, lines 48-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the welding as taught by Petrucci (505) in the filter module because the canister is easily and economically fabricatable (col. 9, lines 3-5).

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (248) in view of Regunathan (601) in view of Whittier (876) as applied to claim 8 above, and further in view of Gundrum et al. Patent No. 5,891,334. Brown (248) in view of Regunathan (601) in view of Whittier (876) teach the filter module but do not teach centering fingers. Gundrum (334) teaches a cylindrical separator wall (33) with radially extending fingers (34) extending to the container wall (25) in the vicinity of each axial end of the wall (33) (fig. 2 and 5). It would have been obvious to one having ordinary

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skill in the art at the time the invention was made to use the fingers as taught by Gundrum (334). The fingers (34) define a flow passageway between the separation wall (33) and the container wall (25) (col. 4, lines 51-67).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TERRY K. CECIL
PRIMARY EXAMINER